



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES

DATE: May 19, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12940 – ENVIRONMENTAL REVIEW NO. 8183 AND VARIANCE APPLICATION NO. 4127

APPLICANT: WW Enterprises

OWNER: Richard and Luzminda Piel

REQUEST: Allow the creation of a 3.3-acre parcel and a 15.65-acre parcel from an existing 18.95-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the east side of N. McCall Ave., 700-feet south of E. Manning Ave., 0.7 miles north of the City of Selma (APN: 358-021-12) (9240 S. McCall Ave.) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of May 19, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Chatha and seconded by Commissioner Zante to deny the Variance request stating that they concurred with staff's analysis that the four required Findings of Fact could not be made for Variance No. 4127.

This motion was passed on the following vote:

VOTING: Yes: Commissioners Chatha, Zante, Arabian, Carver, Ewell, Hill, and Woolf

No: None

Absent: Commissioner Abrahamian

Abstain: None

RESOLUTION NO. 12940

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

William Kettler, Manager
Development Services and Capital Projects Division

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Attachments

EXHIBIT A

Environmental Review No. 8183 and Variance Application No. 4127

Staff: The Fresno County Planning Commission considered the Staff Report dated May 19, 2022 and heard a summary presentation by staff.

Presenters: The Applicant disagreed with the Staff's recommendation. He described their request and offered the following information to clarify the intended use:

- Forty-one (41) notices were mailed without any responses from surrounding property members.
- The property is surrounded by one-acre and two-acre parcels located west of the subject parcel.
- The upkeep of the land places undue burden upon the property owners.
- Surrounding properties with the same zoning classification also are one-acre and two-acre parcels.
- The subdivided land will continue to be used for agricultural purposes
- The home would be separated from the existing vineyard.

Others: No individuals presented information in support of or in opposition to the proposal.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the proposal.

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EXHIBIT "B"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Variance Application No. 4127

Listed below are the fees collected for the land use applications involved in this Agenda Item:

| | |
|-----------------------------|---------------------------|
| Variance Application: | \$ 6,049.00 ¹ |
| Environmental Review: | 259.00 ² |
| Pre- Application Credit | (247.00) ³ |
| Health Department Review: | <u>365.00⁴</u> |
| Total Fees Collected | \$ <u>6,460.00</u> |

| |
|---|
| ¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report. |
| ² Review proposal to provide appropriate California Environmental Quality Act (CEQA) evaluation. |
| ³ Pre-Application Credit granted if application filed within 6-month timeframe |
| ⁴ Review of proposal by the Department of Public Health, Environmental Health Division to provide comments. |



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 Hearing Date: May 19th, 2022

SUBJECT: Environmental Review No. 8183 and Variance Application No. 4127

Allow the creation of a 3.3-acre parcel from an existing 18.95-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the east side of N. McCall Ave., 700-feet south of Manning Ave., 0.7-miles north of the City of Selma (APN: 358-021-12) (9240 S. McCall Ave.) (Sup. Dist. 4).

OWNER Richard and Luzminda Piel

APPLICANT: WW Enterprises

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4127; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variances within ½ mile of Subject Parcel
6. Site Plans and Detail Drawings

- 7. Elevations
- 8. Applicant's Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

| Criteria | Existing | Proposed |
|--------------------------|---|---|
| General Plan Designation | Agricultural | No Change |
| Zoning | AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) | No Change |
| Parcel Size | 18.95-acres | Parcel A: 3.30-acres Parcel B: 15.65-acres |
| Structural Improvements | N/A | N/A |
| Nearest Residence | Single family Residential (approximately 364-feet eastward) | N/A |
| Surrounding Development | Fully developed single-family residential neighborhood | No Change |

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

It has been determined, pursuant to California Environmental Quality Act (CEQA) guidelines Section 15061(b)(3)) Common Sense Exemption, that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

PUBLIC NOTICE:

Notices were sent to 41 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

The minimum parcel size that may be created in the AE-20 Zone District is 20 acres. A property owner may not create parcels with less than the 20-acre minimum parcel size if they do not qualify under the conditions listed in Section 816.5, which allows for the creation of homesites less than the minimum acreage indicated by the district acreage designation, but not greater than 2.5 gross acres unless the substandard-size parcel is approved through the Variance process.

BACKGROUND INFORMATION:

The current Variance request, submitted on January 5th, 2022, proposes to allow the creation of a 3.3-acre parcel from an existing 18.95-acre parcel. If this Variance is approved, it will allow a subsequent parcel map to create the separate parcels. It is the intention of the property owner to request that the Variance be granted due to inability to continue their farming operation (See Exhibit 8).

The subject parcel is not restricted under a Williamson Act Contract.

Within one half-mile of the subject property there are only two variances on record that are relevant to substandard parcel creation. Those two variances, from over twenty-five years ago, are detailed in the table below:

| Application/Request | Staff Recommendation | Final Action | Date of Action |
|---|----------------------|--------------------------------|-----------------|
| VA No. 3224: Recognize an existing 1.91-parcel (20-acres required) with 130 feet lot width/public road frontage (165 feet required), a lot depth-to-width ratio of 5:1:1 (4:1 maximum allowed), and allow a ten-foot side yard setback for a proposed residence on said parcel. | Recommended Approval | Approval | October 5, 1989 |
| VA No. 3578: Proposal to allow the creation of a 7.18-acre parcel (20-acres required) from a 27.46-acre parcel of land in the AE-20 (Exclusive Agriculture, 20-acre minimum parcels size) Zone District | Recommended Denial | Approval by Board of Directors | July 22, 1997 |

Finding 1: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.*

| | Current Standard: | Proposed Configuration: | Is Standard Met (y/n): |
|----------|---|-------------------------|------------------------|
| Setbacks | AE-20 Front: 35 feet Side: 20 feet Rear: 20 feet | No Change | Y |
| Parking | N/A | N/A | N/A |

| | Current Standard: | Proposed Configuration: | Is Standard Met (y/n): |
|------------------------------|---|--------------------------------|-------------------------------|
| Lot Coverage | No requirement | N/A | N/A |
| Separation Between Buildings | No requirement for residential or accessory structures, excepting those used to house animals which must be located a minimum of 40 feet from any human-occupied building | N/A | N/A |
| Wall Requirements | N/A | N/A | N/A |
| Septic Replacement Area | 100 percent of the existing system | No change | N/A |
| Water Well Separation | Building sewer/ septic tank: 50 feet Disposal field: 100 feet seepage pit/cesspool: 150 feet | No change | Yes |

No comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments other than advisory statements about required regulations that have been noted under the Projects Notes section of Exhibit 1.

Finding 1 Analysis:

In support of Finding 1, the Applicant states both parcels will adhere to the current setbacks, “all yards, spaces, walls and fences, parking, loading, landscaping is consistent to what is required in this zone” (Exhibit 8).

With regard to Finding 1, staff does not find that the location or topography of the subject property creates any extraordinary physical characteristic or circumstance which would provide a basis for the requested Variance. The fact the resulting parcels would still meet setbacks is not a unique circumstance.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 cannot be made as there are not any extraordinary circumstances relating to the property that does not apply to other properties in the area with the same zone classification.

Finding 2: *Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

There were no comments from reviewing agencies or County Departments regarding Finding 1.

Finding 2 Analysis:

In support of Finding 1, the Applicant states “the County has allowed other parcels to be created less than 20 acres.” The existence of other smaller parcels in the area, or the granting of two variances over twenty years ago does not establish a precedent or a substantial property right. Adopted development standards of pervious zoning designations do not continue to be applied in perpetuity when ordinances and or zoning is changed.

When General Plan land use designations and zoning are applied to an area that includes substandard sized parcels it is often done to arrest the further division of land, otherwise the area of smaller parcels would have been designated for higher densities and zoned such as RR or RA.

With regard to Finding 2, the Applicant must demonstrate they are denied a property right which is enjoyed by neighboring parcels under the same zoning classification. All of the County parcels in this area have the same zoning, and whether they be above or below the minimum 20-acre size limitation, they are all subject to the same restriction regardless of size. A one (1)-acre parcel or a 39-acre parcel both are restricted from dividing their parcel any further, as they cannot result in two twenty acre or larger parcels.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Finding 2 cannot be made as the property enjoys the same substantial property rights as the surrounding properties with the same zoning classification, a deficit of a substantial property right enjoyed by other owners in the vicinity with the same zoning classification has not been identified.

Finding 3: *The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels

| | Size: | Use: | Zoning: | Nearest Residence: |
|-----------|-------------|-------------------------|---------|--------------------|
| Northwest | 7.63-acres | Homesite | AE-20 | 670-feet |
| Northeast | 26.65-acres | Agricultural | AE-20 | N/A |
| South | 7.86-acres | Homesite & Agricultural | AE-20 | 111-feet |
| East | 40.59-acres | Homesite & Agricultural | AE-20 | 1,000-feet |

| | Size: | Use: | Zoning: | Nearest Residence: |
|------|------------|----------|---------|--------------------|
| West | 0.42-acres | Homesite | AE-20 | 438-feet |
| | 0.70-acres | Homesite | AE-20 | 360-feet |
| | 1.65-acres | Homesite | AE-20 | 300-feet |
| | 1.72-acres | Homesite | AE-20 | 235-feet |
| | 1.01-acres | Homesite | AE-20 | 190-feet |
| | 0.96-acres | Homesite | AE-20 | 250-feet |

Reviewing Agency/Department Comments:

Road Maintenance and Operations Division:

- McCall Avenue is a County maintained road classified as an arterial road with an existing 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan.
- An additional 23 feet of road right-of-way along the parcel frontage must be dedicated to meet the ultimate road right-of-way for McCall Avenue.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

In support of Finding 3, the Applicant’s Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity, as there are homes adjacent to the property that are less than the 20-acre minimum parcel size.

The subject parcel is in an area comprised of farmland planted in vineyard with sparse single-family residences. The proposed parcel (Parcel A) may remain in residential use and the remainder parcel (Parcel B) will remain in farming operation without any foreseeable impact on surrounding properties.

Therefore, it is unlikely that the proposed parcellation will have substantial detrimental impacts to the public welfare, surrounding property and improvement.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two separate legal non-conforming parcels has the potential to increase residential density in the area by allowing a single-family residence through Director Review and Approval (DRA) on Parcel A and one (1) primary residence by right and one (1) secondary residence through DRA on Parcel B. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations. The minimum acreage requirement of the AE20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.

Recommended Conditions of Approval:

Road Maintenance and Operations Division:

An additional 23 feet of road right-of-way along the parcel frontage must be dedicated to meet the ultimate road right-of-way for McCall Avenue.

Finding 3 Conclusion:

Finding 3 can be made due to the limited scale of this individual request, the application does not present a significant material detriment to properties in the vicinity.

Finding 4: *The granting of such a variance will not be contrary to the objectives of the General Plan.*

| Relevant Policies: | Consistency/Considerations: |
|---|--|
| <p>General Plan Policy: LU-A.6: <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policy LU-A.9.</i></p> | <p>Inconsistent: The subject property is zoned AE-20 which requires 20-acre minimum parcel size. The subject Variance request proposing to create a 3.30-acre parcel and a 15.65-acre parcel for farming which are less than 20 acres in the AE-20 Zone District, is inconsistent with this policy.</p> |
| <p>General Plan Policy LU-A. 9: <i>The County may allow creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6, if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</i></p> <p><i>a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and</i></p> <p><i>b. One of the following conditions exists:</i></p> <p><i>1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or</i></p> <p><i>2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or</i></p> | <p>Inconsistent: The subject parcel is below the 20-acre minimum parcel size. The proposal does not qualify for an exception under Policy LU-A.9.</p> |

| Relevant Policies: | Consistency/Considerations: |
|--|--|
| <p>3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes. Each homesite created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</p> | |
| <p>General Plan Policy LU-A: <i>To promote the long-term conservation of productive and potentially- productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County’s economic development goals.</i></p> | <p>Inconsistent: Substandard parcels that are created for residential purposes will likely interfere with agricultural operations on surrounding parcels that are designated and zoned for production of food and fiber and may potentially result in removal of adjacent or neighboring lands from agricultural use. Moreover, it may set a precedent for other landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands located in an area of the County designated and used for agricultural operations.</p> <p>Every year the Ag Department receives numerous complaints from homesites adjacent to agricultural operations where the occupant is not involved or familiar with farming operations. While the current occupants may not have objections to these agricultural practices, future residents may not accept neighboring farming practices and submit complaints. The Fresno County Right to Farm provisions do not provide protection from impacts to agricultural operations caused by these complaints.</p> |

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning indicated: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. Policies LU-A.6 states that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture. The creation of a 3.3-acre parcel that will be used for residential purposes could create conflict with agricultural uses in the surrounding area designated and zoned to accommodate agricultural uses.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

In support of Finding 4, the Applicant states “Granting such variance is necessary for the preservation and enjoyment of the applicant’s accustomed lifestyle.”

General Plan Goal LU-A is “to promote the long-term conservation of productive and potentially-productive agricultural lands and to accommodate agricultural support services and agriculturally-related activities that support the viability of agriculture and further the County’s economic development goals.” The application is directly contrary to General Plan Policy LU-A.9 which requires that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture.

Staff does not concur with the Applicant’s statement that the project would not be contrary to the Goals and policies of the General Plan. The General Plan Policy LU-A.9 does contain provisions which allow for the creation of substandard-sized lots for the creation of home site parcels, subject to certain specific criteria. This application does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot.

Finding 4 Conclusion:

Finding 4 cannot be made as the project would be contrary to General Plan Goal LU-A, Policies LU-A.6, and LU-A.9 in the General Plan.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

SUMMARY CONCLUSION:

The Applicant is seeking to be “*granted to allow freedom from the demands of the vineyard*” and has requested that they be able to develop the property based on past development standards and to “*Allow our request to be granted as a “thank you” for service to the community.*” Which they state “*is not a matter of special treatment nor are we asking for any exception for something that has not been done before. The reality is it could be said it is a common practice in the area we live in the county.*”

Granting of the variance could be construed as inconsistent with Government code section 65906 which prohibits granting of unqualified variances and states in part “*...shall constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.*” There are no provisions in the ordinance to create substandard parcels when you no longer wish to continue agricultural activities.

Based on the factors cited in the analysis, Staff has concluded that the required Findings 1, 2, & 4 for granting the Variance Application cannot be made as there are no exceptional or extraordinary circumstances or conditions applicable to the property, the variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity, and will be contrary to the objectives of the General Plan. Staff therefore recommends denial of Variance Application No. 4127.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1, 2, & 4 cannot be made as stated in the staff report and move to deny Variance Application No. 4127; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 4127, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

ER:jp

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EXHIBIT 1

**Conditions of Approval and Project Notes
Variance Application No. 4127**

| Conditions of Approval | |
|--|---|
| 1. | Development shall be in accordance with the site plan submitted to the Planning Commission. |
| Notes | |
| The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant. | |
| 1. | Setbacks for new construction must be based on the ultimate road right-of-way for McCall Avenue. |
| 2. | An encroachment permit is required for any work performed within the County Road right-of-way. |
| 3. | McCall Avenue currently has 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan. An additional 23 feet of road right-of-way along the parcel frontage must be dedicated to meet the ultimate road right-of-way for McCall Avenue. |
| 4. | Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying, in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application. |
| 5. | Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act. |
| 6. | It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. |
| 7. | Any new development of less than two acres or secondary dwelling may require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any new sewage disposal systems that are proposed, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information. |

Notes

| | |
|-----|--|
| 8. | At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357. |
| 9. | As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor. |
| 10. | Should any underground storage tank(s) be found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. |
| 11. | All Conditions of Approval for any previous applications shall be implemented if not already in place. |
| 12. | Refer to Road Maintenance & Operations Division, Road Operations for comments on McCall Avenue. |
| 13. | According to FEMA FIRM Panel 2675H, the parcel is not subject to flooding from the 100-year storm. |
| 14. | The subject property is within the City of Selma SOI (Sphere of Influence). Any future off-site improvements and driveway placement relative to the property line adjacent to road should be consulted with the City regarding their requirements. |
| 15. | Any existing or future access driveway should be set back a minimum of 10 feet from the property line. |
| 16. | Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. |
| 17. | A 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing McCall Avenue if not already present. |
| 18. | Any future work done within the County Road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. |
| 19. | A grading permit/voucher is required for any future grading with this application. |
| 20. | If the variance is approved, a parcel map application will have to be filed with Fresno County to affect the property division. |

EXHIBIT 1 Page 2

LOCATION MAP

VA 4127

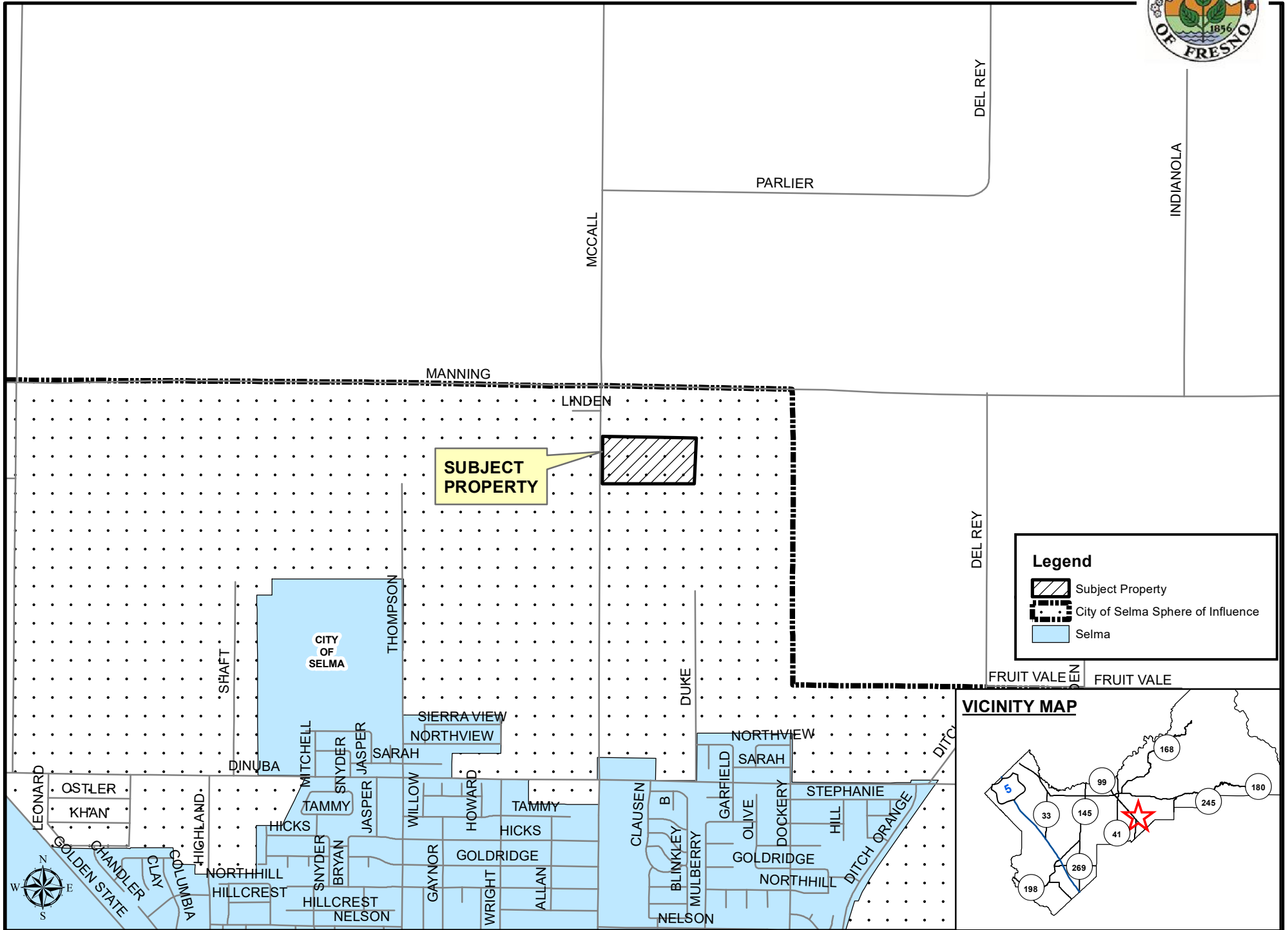


EXHIBIT 2

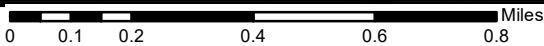


EXHIBIT 3
EXISTING ZONING MAP

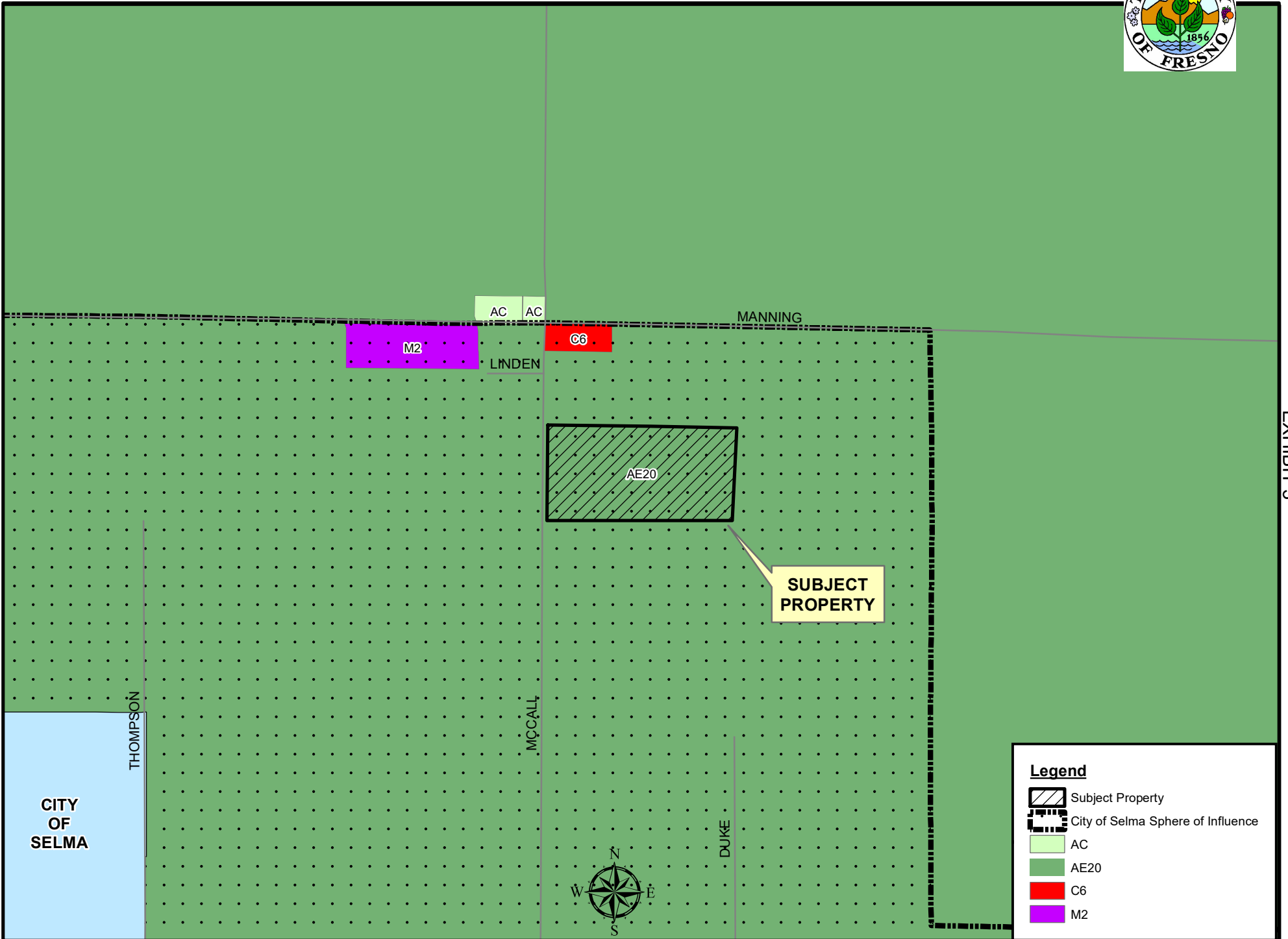
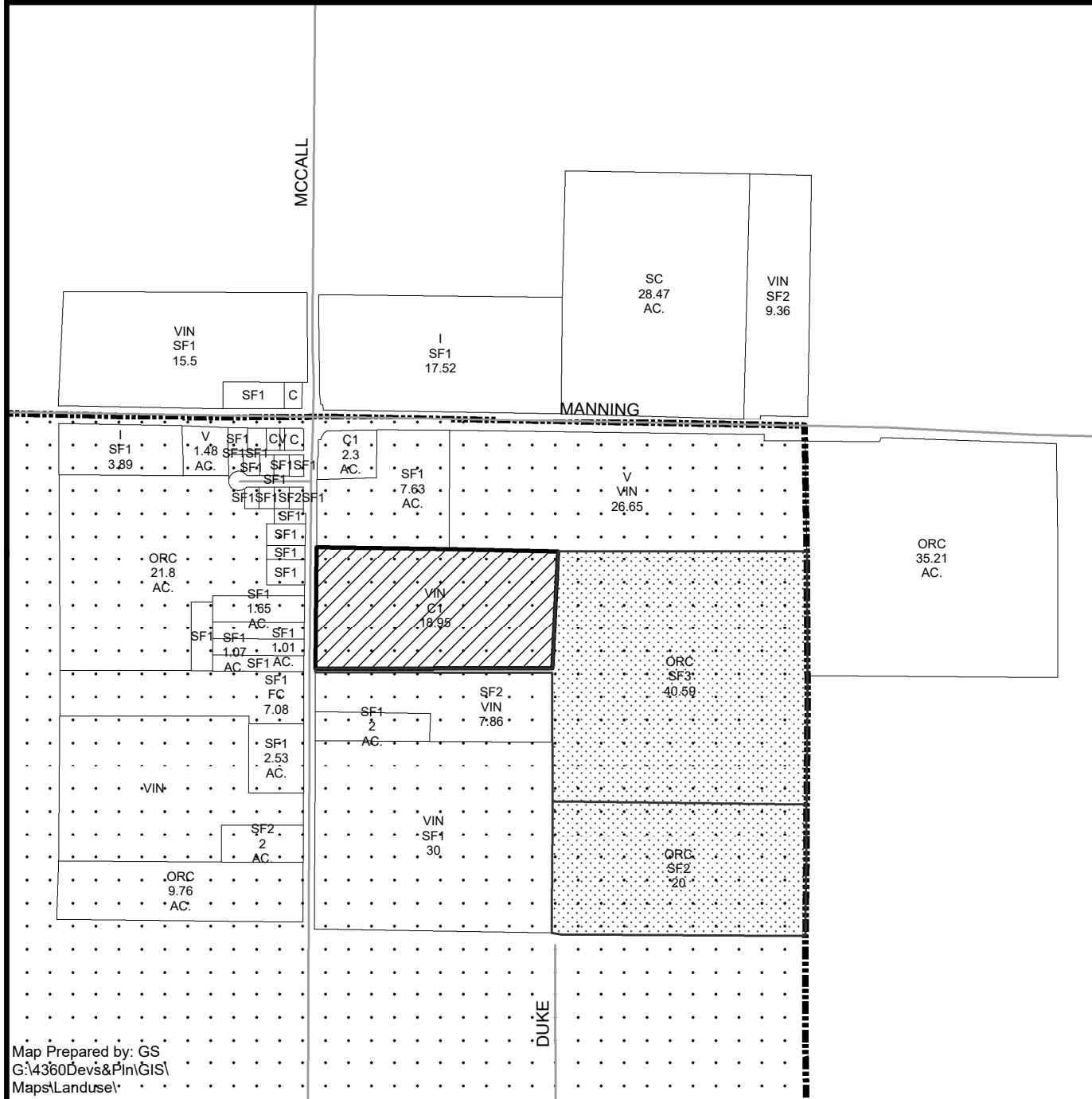


EXHIBIT 3

Legend



- Subject Property
- City of Selma Sphere of Influence
- AC
- AE20
- C6
- M2

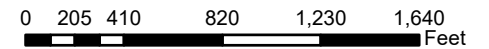
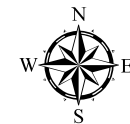
EXISTING LAND USE MAP



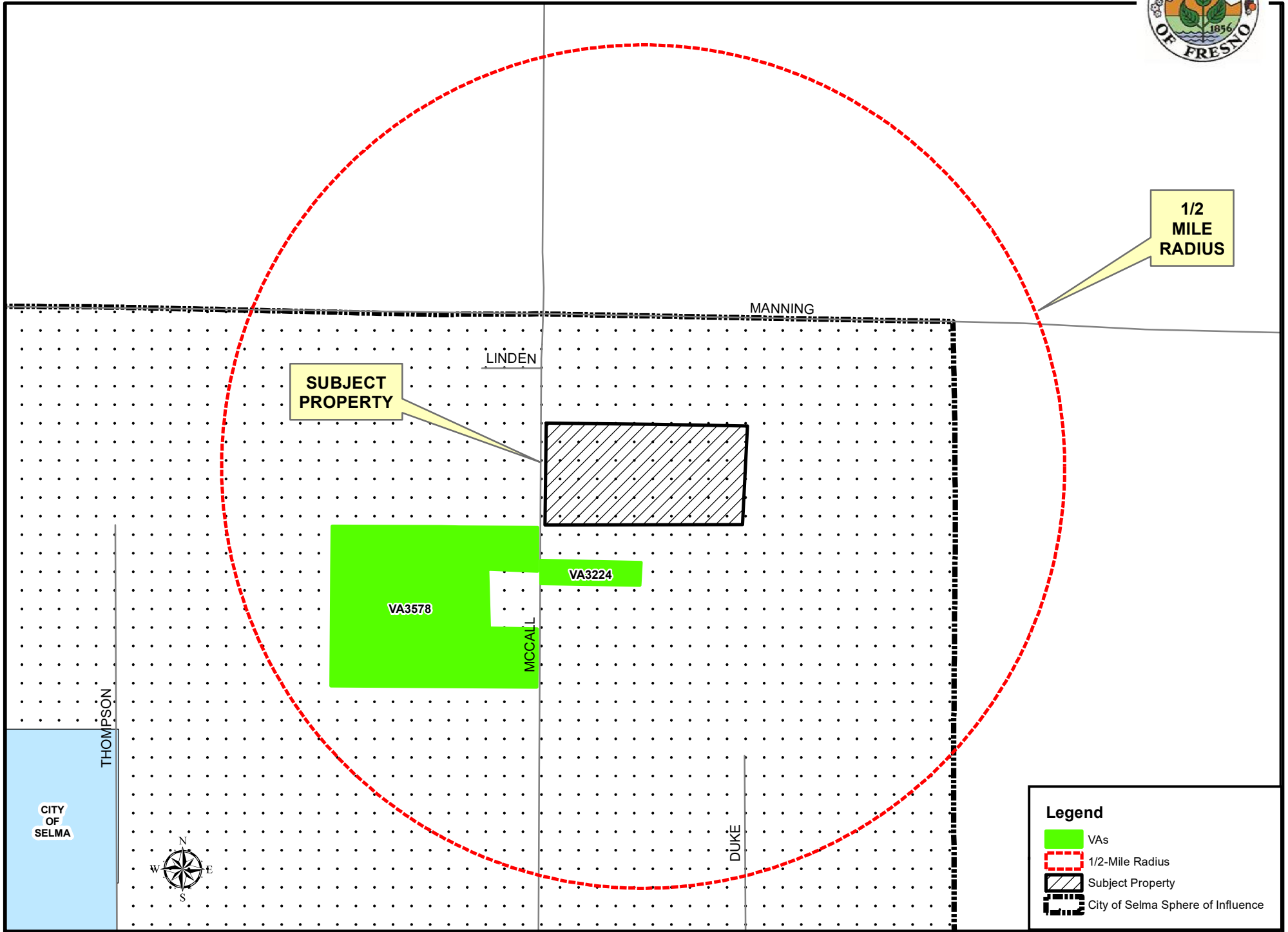
| LEGEND | |
|--------|---------------------------|
| C | - COMMERCIAL |
| C# | - COMMERCIAL |
| I | - INDUSTRIAL |
| ORC | - ORCHARD |
| SC | - SEASONAL CROP |
| SF# | - SINGLE FAMILY RESIDENCE |
| V | - VACANT |
| VIN | - VINEYARD |

Legend

-  Subject Property
-  Ag Contract Land
-  City of Selma Sphere of Influence



VAs IN A 1/2-MILE RADIUS



SUBJECT PROPERTY

1/2 MILE RADIUS

LINDEN

MANNING

SUBJECT PROPERTY

VA3224

VA3578

MCCALL

THOMPSON

DUKE

CITY OF SELMA

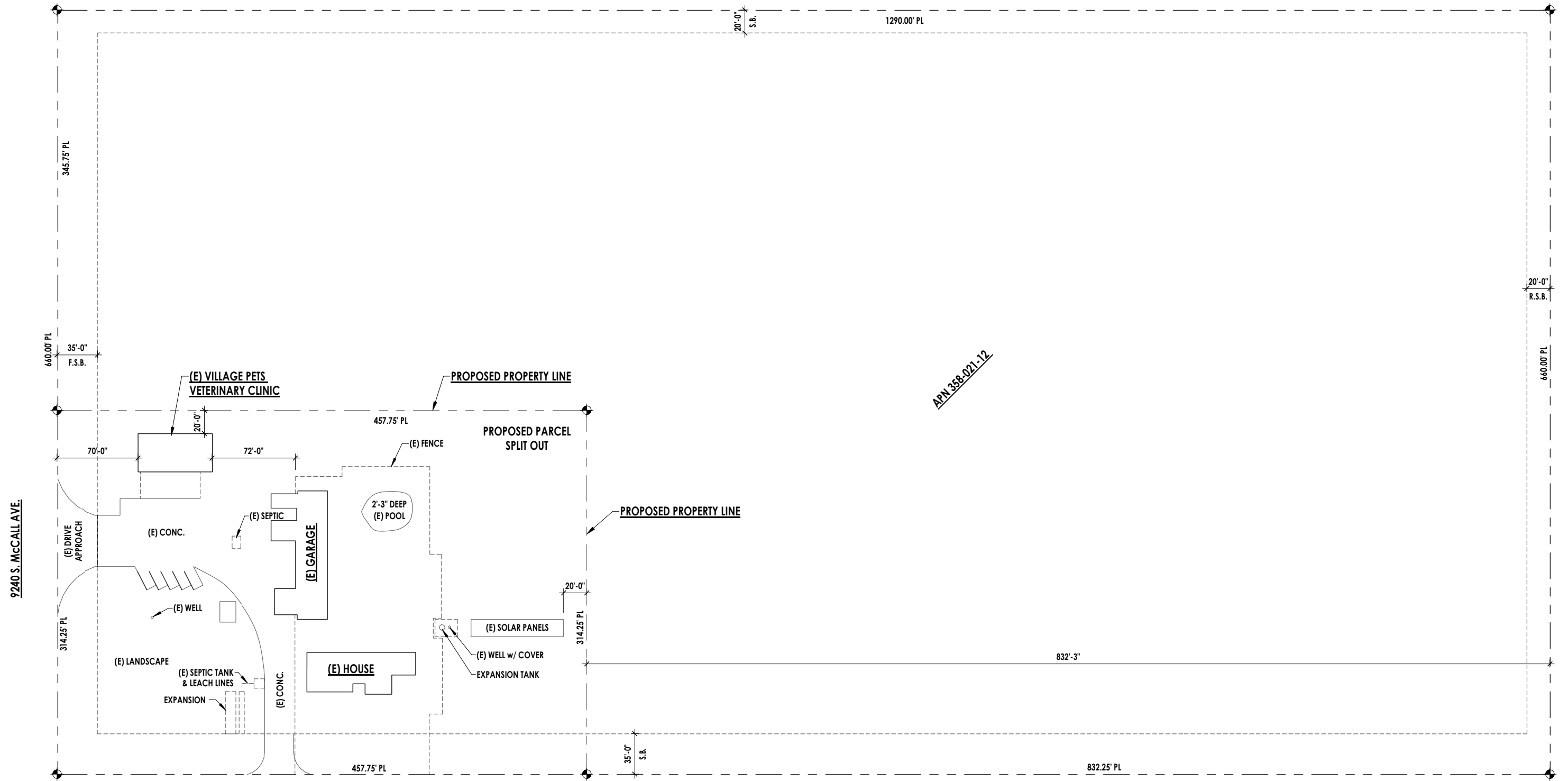


Legend

- VAs
- 1/2-Mile Radius
- Subject Property
- City of Selma Sphere of Influence

EXHIBIT 6

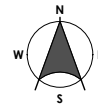
EXHIBIT 6



ORIGINAL AREA: 18.95 ACRE
 PARCEL SPLIT OFF AREA: 3.30 ACRE
 REMAINING AREA: 15.65 ACRE

ZONING: AE20

SITE PLAN



S. DUKE AVE.

EXHIBIT 7

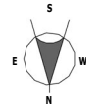
Google Maps 9240 S. McCall Ave



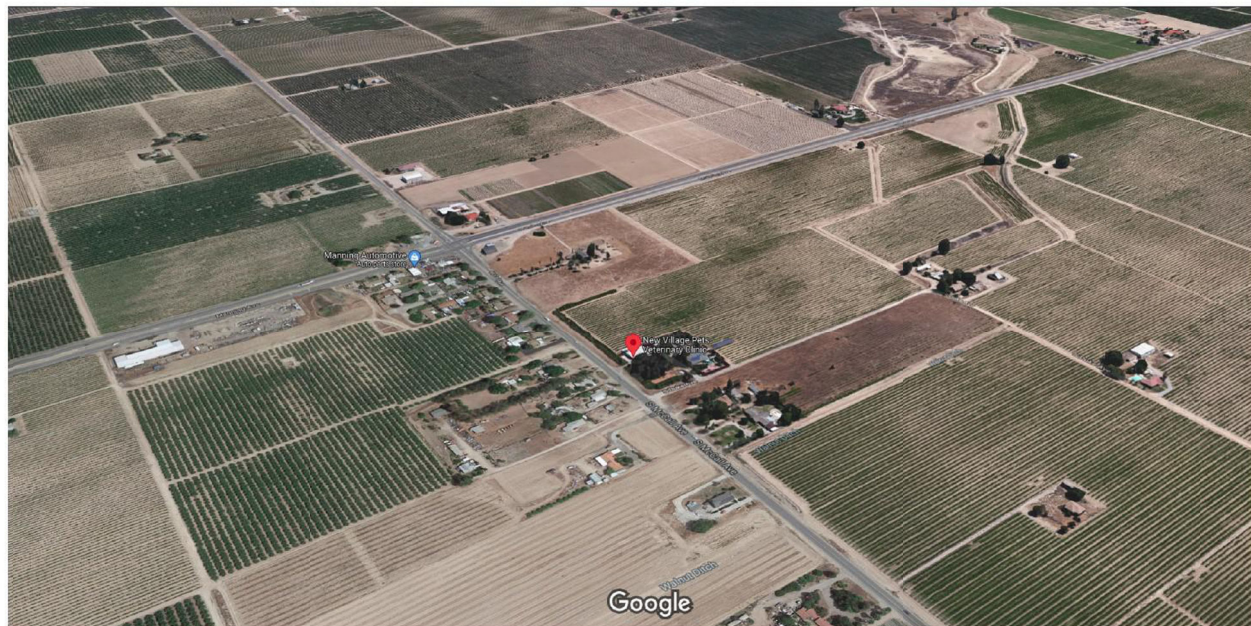
Google

Image capture: May 2021 © 2021 Google

PHOTO #1



Google Maps 9240 S. McCall Ave

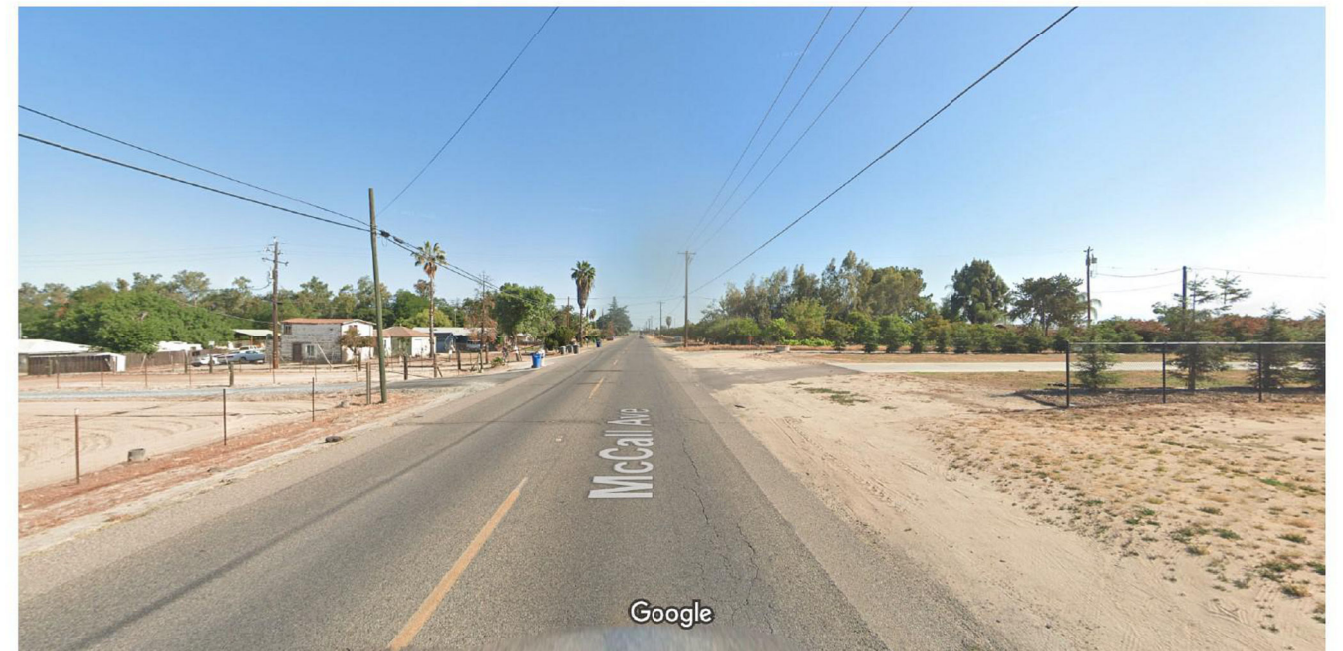


Google

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 200 ft

AERIAL

Google Maps 9240 S. McCall Ave



Google

Image capture: May 2021 © 2021 Google

PHOTO #2

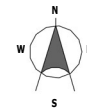


EXHIBIT 7

EXHIBIT 8

January 3, 2022

Department of Public Works and Planning
Development Services and Capital Projects
2220 Tulare St. 6th Floor, Fresno, CA 93712

Subject: Request for a Variance
Regarding: 9240 S. McCall Ave., Selma, CA 93662

Circumstances:

Being a Physician and my wife a Veterinarian we have worked hard serving the community providing human and animal care. Medicine is very demanding. Our “down time” is spent on our property that we have developed to have a wading pool and vegetation to create an oasis atmosphere. Due to the demanding, constantly “on call” careers we have had to bring in help to maintain the vineyard surrounding our “oasis”.

Retirement now after long careers of service gives the opportunity to travel, we respectfully request that the Variance be granted to allow freedom from the demands of the vineyard. There are other parcels in this vicinity that are similar in size that we are requesting to have created, 3.30Ac., split off the current 18.95Ac. parcel separating our dwelling from the vineyard.

The Variance if granted is not materially detrimental to the public welfare nor degradation to other properties and improvements in the vicinity but rather is very consistent, as others in the area have likewise developed their properties to their tastes. The parcel being proposed to be split off is similar in size to nine other parcels in the area that have been split off also.

Conclusion:

Splitting off a 3.30Ac. parcel from the 18.95Ac. is consistent to the planning within this Zone. 1) All yards, spaces, walls and fences, parking, loading, landscaping is consistent to what is required in this zone. 2) Both the parcel being split off and the remaining parcel are adequate in width for the adequate access to the street that serves them currently and after the split, being 314.25 feet and 345.75 feet. There is no change of use of the land, thereby, no change in quantity nor kind of traffic to be generated with the split. 3) The proposed use is to remain as is and is not detrimental to the character in the immediate neighborhood or the public health, safety, and general welfare. 4) The proposed development is consistent with the General Plan as previously administered.

Richard and Luzminda Piel

April 6, 2022

RE: 9240 S. McCall Ave.

Answer to Findings:

1. No boulder nor stream cutting across property for the imposition to allow reduction in land area. Hard to find a parcel where that is the case within a mile in any direction from the parcel in question.
2. The county has allowed other parcels to be created less than 20 acres.
3. The request is for 3.30 acre parcel split off not 2 acre parcel.
4. Granting such variance is necessary for the preservation and enjoyment of the applicant's accustomed life style.

Facts:

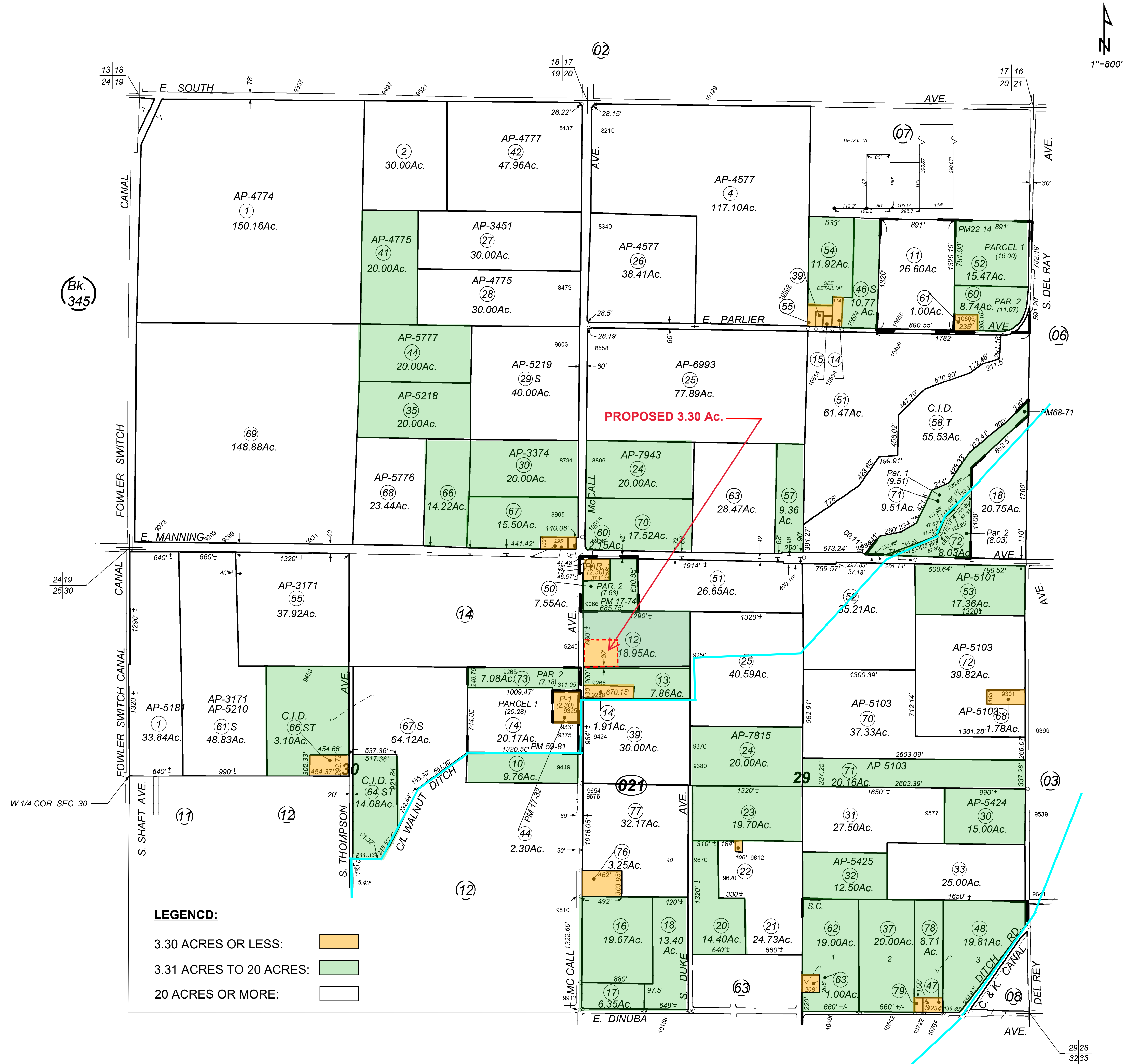
1. Within a mile of this parcel there are approximately (county allowed), 17 "other" parcels created less than the 3.30 acres, at least 5 that are approximately 1 acre and 28 parcels less than 20 acres.
2. No exception is being requested, only to have the county allow that which it has allowed in the past in other cases.
3. As providing Veterinary services for 15 years and the other spouse providing Medical care for the community too, allowing our home for retirement with less ag responsibilities is our simple request.

Simple request:

1. Apply the same criteria to our request as applied to the cited parcels in Facts.
2. Allow our request to be granted as a "thank you" for service to the community. It is not a matter of special treatment nor are we asking for any exception for something that has not been done before. The reality is it could be said it is a common practice in the area we live in the county.

Thank you,
Richard and Luz Piel

EXHIBIT 8 Page 3



LEGEND:

- 3.30 ACRES OR LESS:
- 3.31 ACRES TO 20 ACRES:
- 20 ACRES OR MORE:

EXHIBIT 1

**Conditions of Approval and Project Notes
Variance Application No. 4127**

| Conditions of Approval | |
|--|---|
| 1. | Development shall be in accordance with the site plan submitted to the Planning Commission. |
| Notes | |
| The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant. | |
| 1. | Setbacks for new construction must be based on the ultimate road right-of-way for McCall Avenue. |
| 2. | An encroachment permit is required for any work performed within the County Road right-of-way. |
| 3. | McCall Avenue currently has 60' of road right-of-way and an ultimate right-of-way of 106' per the Fresno County General Plan. An additional 23' of road right-of-way along the parcel frontage must be dedicated to meet the ultimate road right-of-way for McCall Avenue. |
| 4. | Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared and by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying, in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application. |
| 5. | Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act. |
| 6. | It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. |
| 7. | Any new development of less than two acres or secondary dwelling may require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any new sewage disposal systems that are proposed, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information. |
| 8. | At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357. |
| 9. | As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor. |

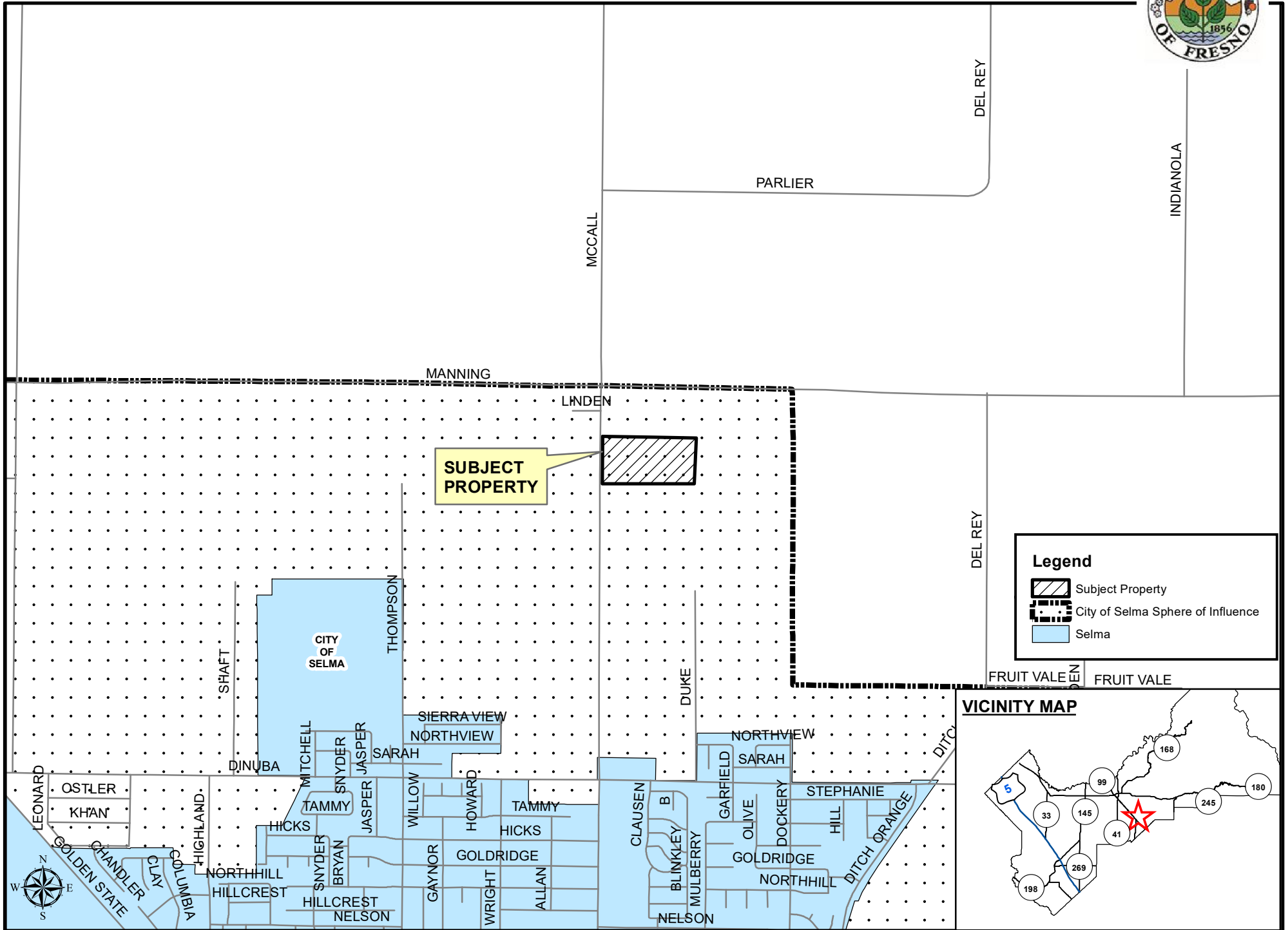
| Notes | |
|--------------|---|
| 10. | Should any underground storage tank(s) be found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. |
| 11. | All Conditions of Approval for any previous applications shall be implemented if not already in place. |
| 12. | Refer to Road Maintenance & Operations Division, Road Operations for comments on McCall Avenue. |
| 13. | According to FEMA FIRM Panel 2675H, the parcel is not subject to flooding from the 100-year storm. |
| 14. | The subject property is within the City of Selma SOI (Sphere of Influence). Any future off-site improvements and driveway placement relative to the property line adjacent to road should be consulted with the City regarding their requirements. |
| 15. | Any existing or future access driveway should be set back a minimum of 10' from the property line. |
| 16. | Any existing or future entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. |
| 17. | A 10' x 10' corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing McCall Avenue if not already present. |
| 18. | Any future work done within the County Road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. |
| 19. | A grading permit/voucher is required for any future grading with this application. |
| 20. | If the variance is approved, a parcel map application will have to be filed with Fresno County to affect the property division. |

ER

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4100-4199\4127\STAFF REPORT\MMRP and Conditions for Variance Template.docx

LOCATION MAP

VA 4127



Legend

- Subject Property
- City of Selma Sphere of Influence
- Selma

VICINITY MAP

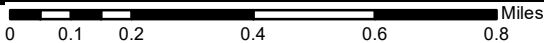
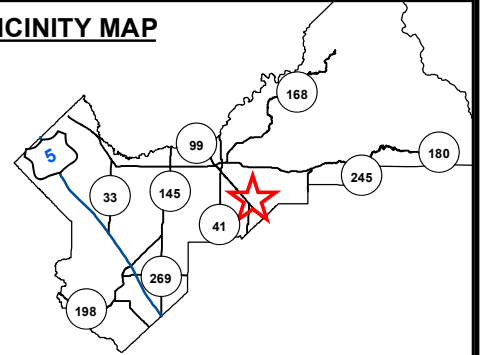


EXHIBIT 2

EXHIBIT 3
EXISTING ZONING MAP

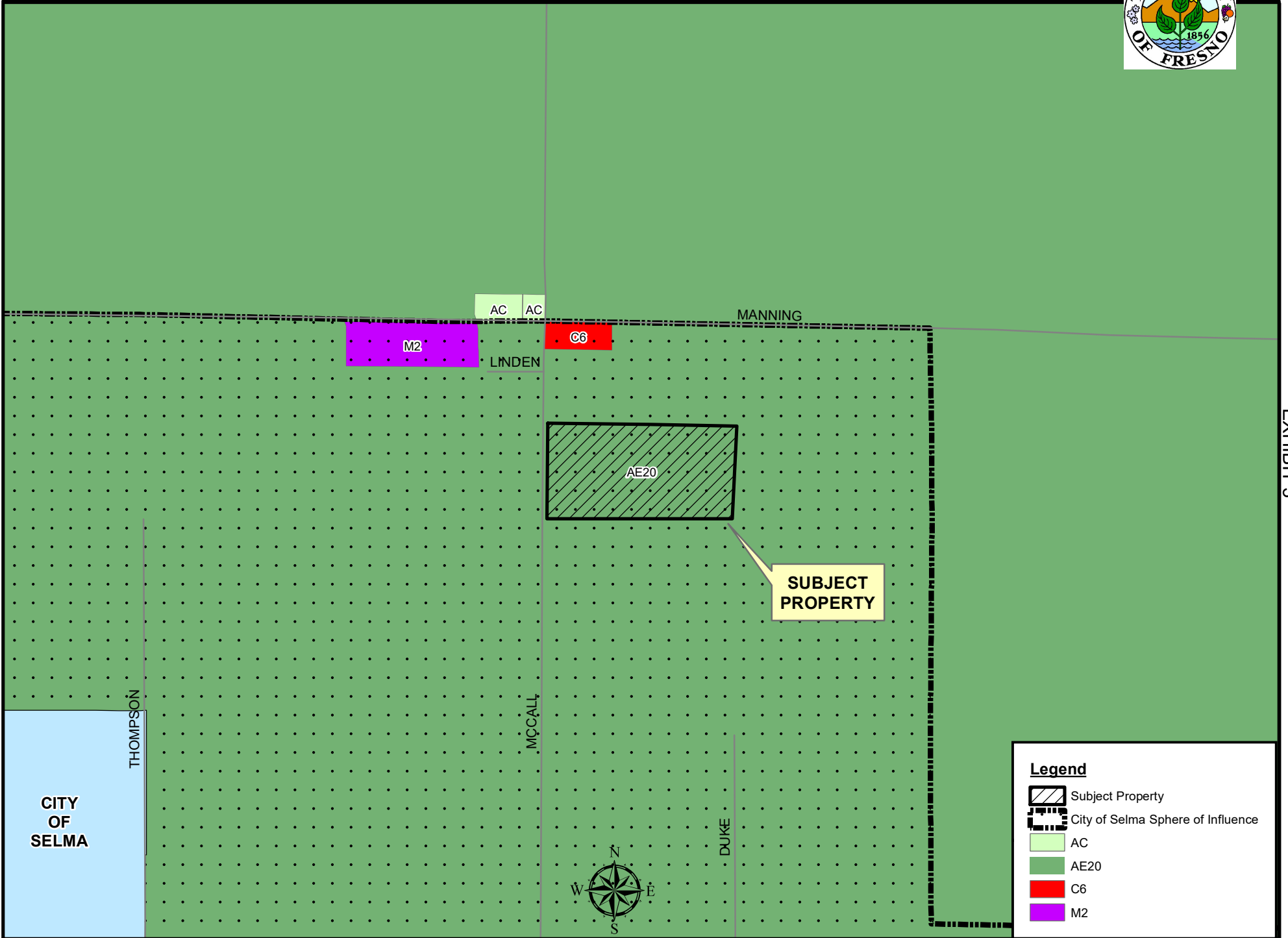
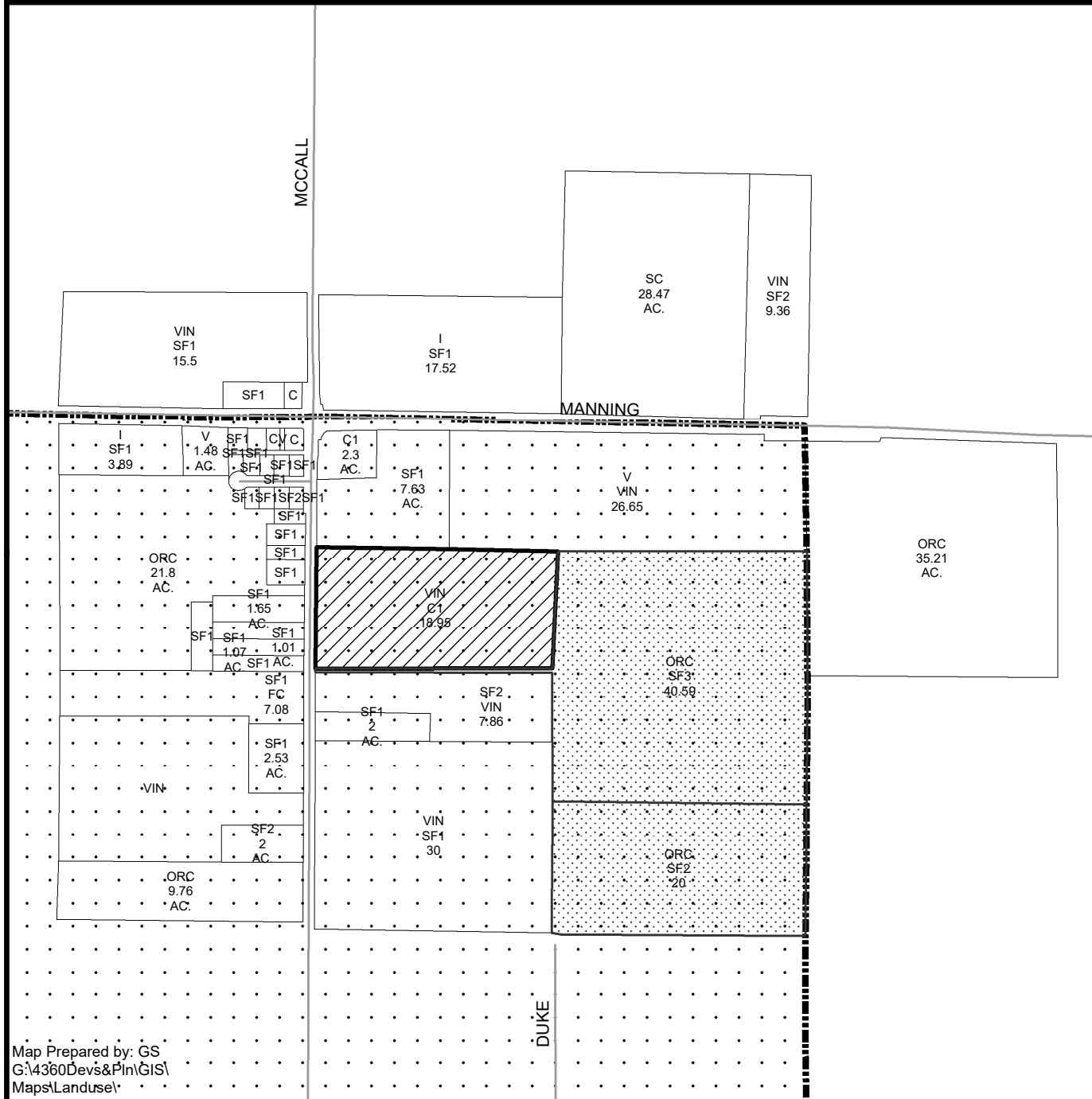


EXHIBIT 3

Legend

- Subject Property
- City of Selma Sphere of Influence
- AC
- AE20
- C6
- M2

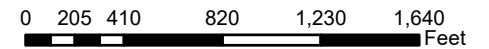
EXISTING LAND USE MAP



| LEGEND | |
|--------|---------------------------|
| C | - COMMERCIAL |
| C# | - COMMERCIAL |
| I | - INDUSTRIAL |
| ORC | - ORCHARD |
| SC | - SEASONAL CROP |
| SF# | - SINGLE FAMILY RESIDENCE |
| V | - VACANT |
| VIN | - VINEYARD |

Legend

-  Subject Property
-  Ag Contract Land
-  City of Selma Sphere of Influence



VAs IN A 1/2-MILE RADIUS

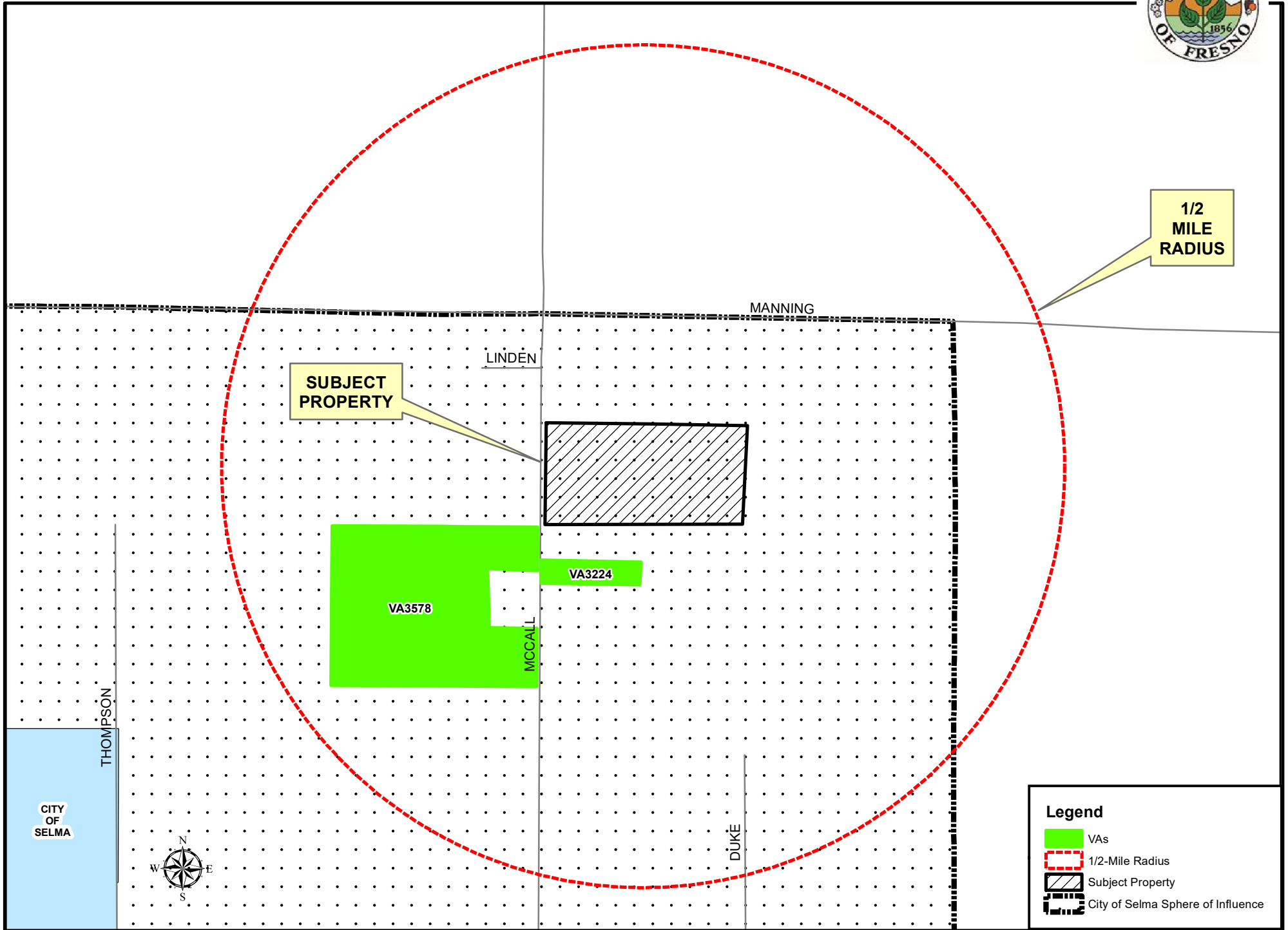


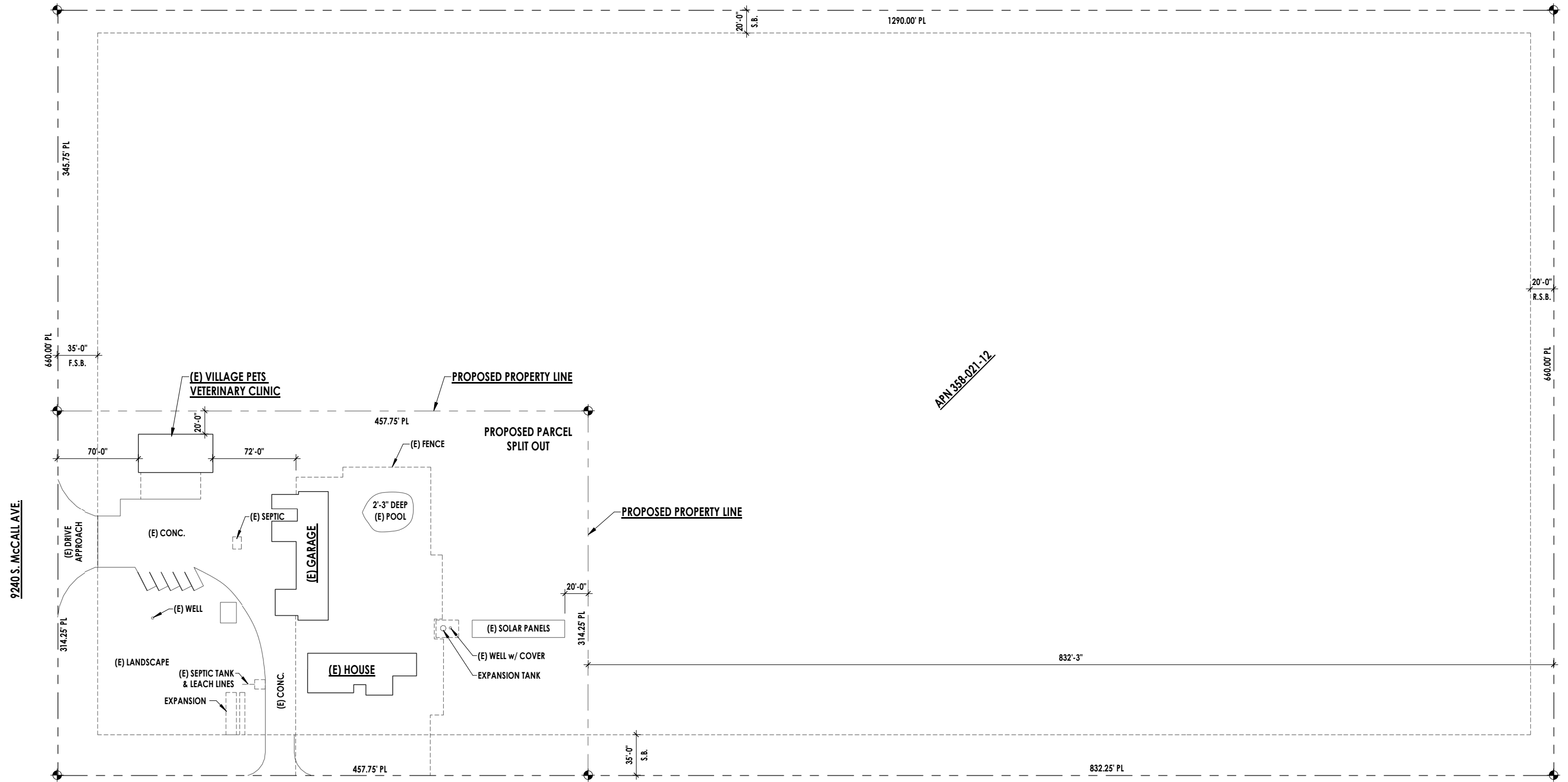
EXHIBIT 5

Legend

- VAs
- 1/2-Mile Radius
- Subject Property
- City of Selma Sphere of Influence

EXHIBIT 6

EXHIBIT 6

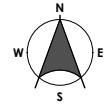


APN 358-021-12

ORIGINAL AREA: 18.95 ACRE
 PARCEL SPLIT OFF AREA: 3.30 ACRE
 REMAINING AREA: 15.65 ACRE

ZONING: AE20

SITE PLAN



S. DUKE AVE.

9240 S. McCALL AVE.

EXHIBIT 7

Google Maps 9240 S. McCall Ave

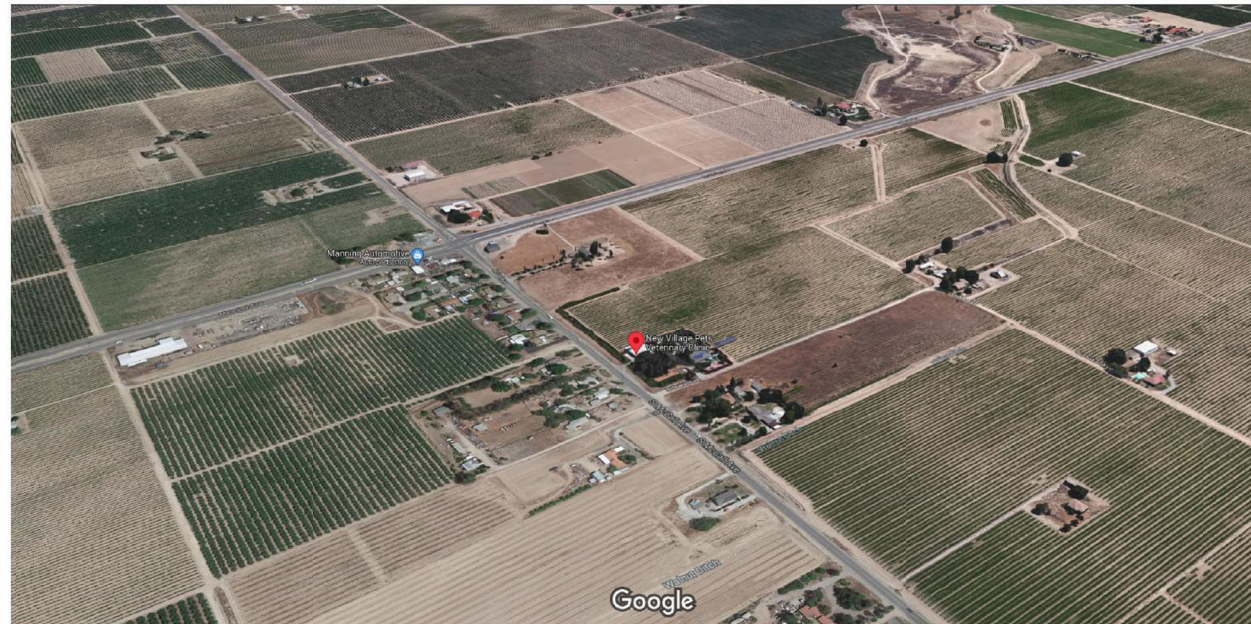


Image capture: May 2021 © 2021 Google

PHOTO #1



Google Maps 9240 S. McCall Ave



Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 200 ft

AERIAL

Google Maps 9240 S. McCall Ave



Image capture: May 2021 © 2021 Google

PHOTO #2

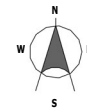


EXHIBIT 7

EXHIBIT 8

January 3, 2022

Department of Public Works and Planning
Development Services and Capital Projects
2220 Tulare St. 6th Floor, Fresno, CA 93712

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Regarding: 9240 S. McCall Ave., Selma, CA 93662

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- 4) The proposed development is consistent with the General Plan as previously administered.

Richard and Luzminda Piel

April 6, 2022

RE: 9240 S. McCall Ave.

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Thank you,
Richard and Luz Piel



RECEIVED JUN 03 2022

CLERK, BOARD OF SUPERVISORS

| For Office Use Only | |
|---------------------|---|
| Date received: | 6-3-2022 |
| Copied to: | W. Kettler, C. Motta, D. Randall, Alis Samari |
| Date copy sent: | 6-3-2022 |
| Hearing set for: | |

NOTICE OF APPEAL OF PLANNING COMMISSION DECISION

Date: June 2, 2022

Appeal Fee: \$508 – Due when filing appeal

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

Project Site Address

| 9240 | S. Manning Ave | Selma | 93662 | 358-021-12 |
|--------|----------------|-------|-------|--------------------------|
| Number | Street | City | Zip | Assessor's Parcel Number |

Appellant's Information

Name: Richard and Luzminda Piel

Mailing Address: 9240 S. McCall Ave.
Selma, CA 93662

Telephone: 559-996-5300

Applicant's Information check if same as Appellant)

Name: _____

Mailing Address: _____

Telephone: _____

Subject of Appeal

I wish to appeal the Planning Commission's decision to Approve Deny

Variance Application No.* 4127

Conditional Use Permit No. _____

Director Review and Approval Application No. _____

Tentative Tract Application No. _____

Amendment Application No. _____

Amendment to Text Application No. _____

Other: _____

Date of Planning Commission Action May 19, 2022

Reason(s) for Appeal (Attach additional sheets if necessary)

To Seek relief from the Planning Commission denial for the requested Variance. Please see attachments.

Appellant's Signature

* Fresno County Zoning Ordinance § 877(c) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works and Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

Please return completed form to Clerk of the Board, 2281 Tulare Street, Room 301, Fresno, CA 93721.

VARIANCE APPLICATION No. 4127
APPEAL OF PLANNING COMMISSION DECISION

RICHARD AND LUZMINDA PIEL
9240 S. McCALL AVE.
SELMA, CA 93662



CLERK. BOARD OF SUPERVISORS

OBJECTIVE: To demonstrate the reasonableness of granting the requested Variance. The presentation packet, although thorough by Planning, did not accept facts that existed prior to Zoning Ordinances. Doing so skewed what was prepared for the Planning Commissioners. The purpose is to set the record straight.

Finding 1- Planning stated:

"With regard to Finding 1, staff does not find that the **location or topography** of the subject property creates any extraordinary physical characteristic or circumstance which would provide a basis for the requested Variance. The fact that resulting parcels would still meet setbacks is not a unique circumstance." (Color added for emphasis.)

Response:

This requirement is reasonable for mountainous and/or foothill areas where random waterways naturally or by man are created, and have outcroppings of large rocks or boulders. To be applied as a *required finding* in the "valley floor" where "location or topography" conditions are rare or hard to find *is* an unreasonable required Finding to be imposed.

Finding 2 Analysis:

"In support of Finding 1, the Applicant states *"the County has allowed other parcels to be created less than 20 acres."* The existence of other smaller parcels in the area, or the granting of two variances over twenty years ago does not establish a precedent or a substantial property right. Adopted development standards of previous zoning designations do not continue to be applied in perpetuity when ordinances and or zoning is changed.

When General Plan land use designations and zoning are applied to an area that includes substandard sized parcels it **is often done to arrest the further division of land**, otherwise the area of smaller parcels would have been designated for higher densities and zoned such as RR or RA." (Color added for emphasis.)

Response:

The use of the of the term "to arrest the further division of land" is explained "...higher densities" for RR or RA. What has been missed is this request is not to subdivide the parcel to create a housing track.

Finding 2 Analysis (continued):

With regard to Finding 2, the Applicant **must demonstrate they are denied a property right which is enjoyed by neighboring parcels under the same zoning classification**. All of the County parcels in this area have the same zoning, and whether they be above or below the minimum 20-acre size limitation, they are all subject to the same restriction regardless of size. A one (1)-acre parcel or a 39-acre parcel both are restricted from dividing their parcel any further, as they

(2)

cannot result in two twenty acre or larger parcels. (Color added for emphasis.)

Response:

The fact some 20+ other parcels were created before Zoning Ordinances went into effect can't be denied or overlooked. Many were created immediately on the westerly side of McCall Avenue from the parcel being considered in this Appeal. Staff only recognizes six (6) in their Staff Report. This request is not for some remote area and granting the Variance that would not be compatible to the surrounding area. The single-family residence has existed since 1975. Therefore, granting the Variance would allow something that is "enjoyed by neighboring parcels under the same zoning classification" whether or not they were created pre-Zoning Ordinance. Also, this is not for new construction. As previously stated, the single-family residence was permitted July 21, 1975.

Attachment A - Failed to show 20+ parcels immediately across McCall Ave. from subject parcel.

Attachment B - Matches EXHIBIT 4 area of the county, showing the 20 SFR not acknowledged by the county.

Finding 2 Conclusion:

Finding 2 cannot be made as the property enjoys the same **substantial** property rights as the surrounding properties with the same zoning classification, a deficit of a substantial property right enjoyed by other owners in the vicinity with the same zoning classification has not been identified. (Color added for emphasis.)

Response:

"Substantial" except for the most important property right, parcel size.

Finding 3:

"The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located."

"The subject parcel is in an area comprised of farmland planted in vineyard with **sparse single-family residences**. The proposed parcel (Parcel A) may remain in residential use and the remainder parcel (Parcel B) will remain in farming operation without any foreseeable impact on surrounding properties." (Color added for emphasis.)

Response:

To state, "... in an area...with sparse single-family residences" might be compatible with the six (6) single-family residences staff chose to acknowledge but does not characterize reality of existing 20+ legal parcels with single-family residences directly across McCall Ave. from subject parcel. (See Attachment "B")

Staff Comment:

"Therefore, it is *unlikely* that the proposed parcellation will have substantial detrimental impacts to the public welfare, surrounding property and improvement." (Italics added for emphasis)

Response:

Staff is correct.

Staff Comment:

“While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two separate legal non-conforming parcels has the potential to increase residential density in the area by allowing a single-family residence through Director Review and Approval (DRA) on Parcel A and one (1) primary residence by right and one (1) secondary residence through DRA on Parcel B. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations. The minimum acreage requirement of the AE20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.” (Color added for emphasis.)

Response:

The “Review and Approval (DRA)” process does not guarantee approval by its very nature. To hold this request for proposed parcellation is patently unfair by any standard. Even Staff recognizes in it, “While the impact of this singular variance may not constitute a materially detrimental impact...”. There are approximately twenty-six (26) parcels less than twenty (20) acres that exist within one mile of this parcel that is being asked to have parcellation.

Finding 3 Conclusion:

“Finding 3 can be made due to the limited scale of this individual request, **the application does not present a significant material detriment to properties in the vicinity.** (Color added for emphasis.)

Finding 4:

“**The granting of such a variance will not be contrary to the objectives of the General Plan.**” (Color added for emphasis.)

Relevant Policies: States if one of the following conditions exists:

Staff Comments:

Inconsistent: Substandard parcels that are created for residential purposes will **likely** interfere with agricultural operations on surrounding parcels that are designated and zoned for production of food and fiber and **may potentially** result in removal of adjacent or neighboring lands from agricultural use. Moreover, it **may** set a precedent for other landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands located in an area of the County designated and used for agricultural operations.

Every year the Ag Department receives numerous complaints from homesites adjacent to agricultural operations where the occupant is not involved or familiar with farming operations. While the current occupants **may not** have objections to these agricultural practices, future residents **may not** accept neighboring farming practices and submit complaints. The Fresno County Right to Farm provisions do not provide protection from impacts to agricultural operations caused by these complaints.

Response:

Likely, may, potentially and *may not* are nebulous. Reality is being asked, that the Board of Supervisors, apply reasonability to the process in this case. The changing of Zoning Ordinances, creates an undue hardship.

SUMMARY:

Planning Commission seemed to be focused on the question, "Why don't they lease out the vineyard". It is interesting in the Planning Commission Hearing there was no opportunity given to respond to its comments nor the Staff comment after the initial opportunity to speak.

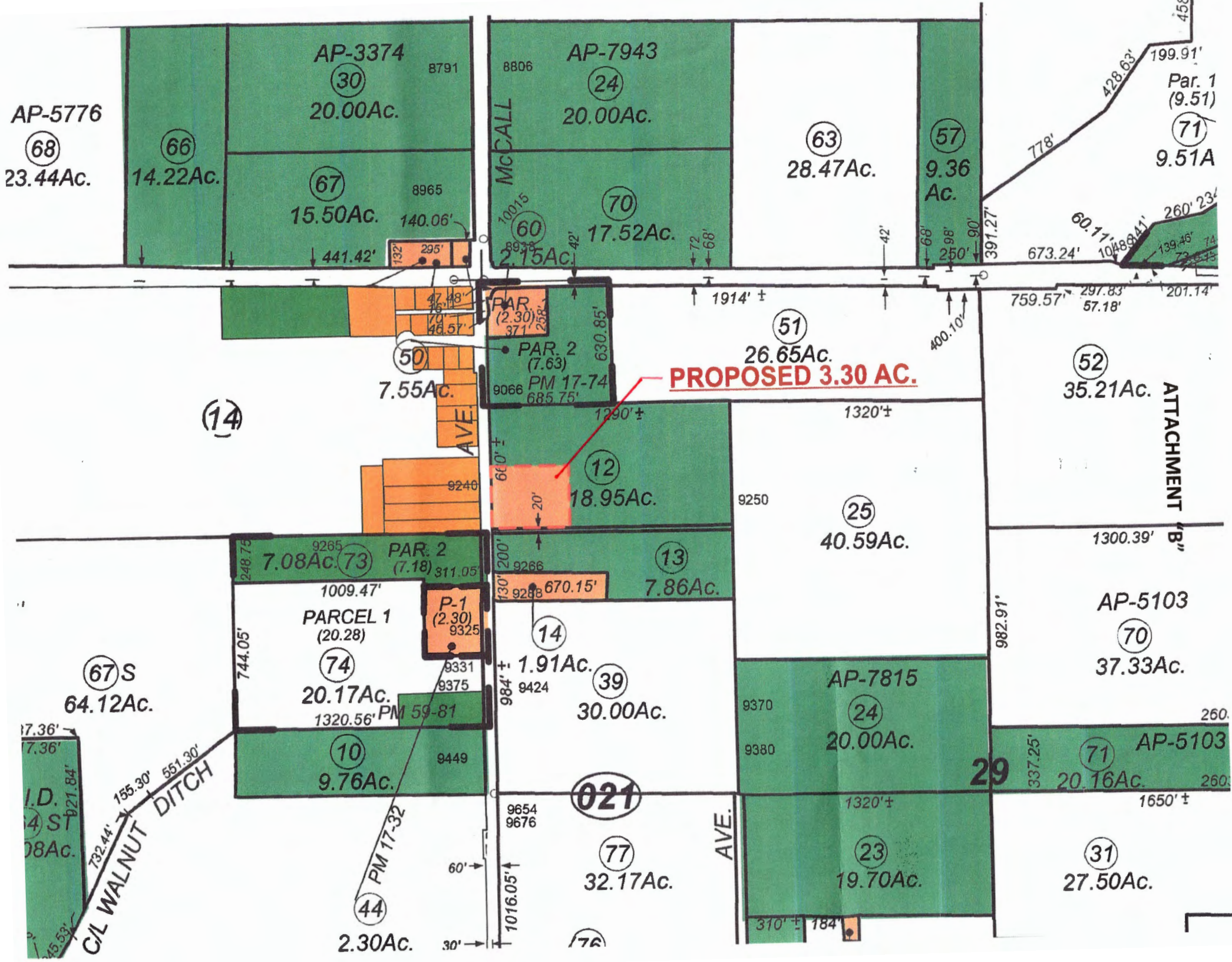
The legal costs to enforce the lease (obtaining payment) well exceeds the amount of the payment. See attachment "C".

The summary pleading is that the **Board of Supervisors** see the merits of granting the parcellation. 41 property owners within 1,320 feet of the subject parcel, as stated by Staff, were sent notices with "No public comment was received..." indicates the community would be agreeable to the Board granting this parcellation. The Planning Staff prepared "Alternative Motion" for the Commission and we find it to be reasonable and agreeable.

Thank you to the Board of Supervisors for kindly finding in favor of our Appeal.

Richard and Luzminda Piel

June 3, 2022



ATTACHMENT "C"

GIAN SINGH
9375 S MCCALL
SELMA, CA 93662

4-12-22

DEAR LUZMINDA AND RICHARD PIEL,

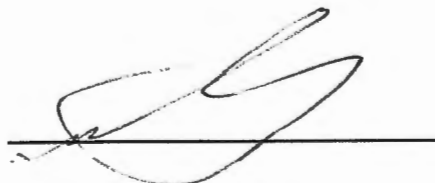
REGARDING THE 2021 PAYMENT OF THE LEASE AGREEMENT AS OF TODAY I STILL HAVE NOT BEEN PAID FOR MY RAISINS. DUE TO THIS UNFORTUNATELY I CANNOT REMIT PAYMENT TO YOU. I'M SORRY FOR THE INCONVIENCE.

I DON'T SEE THIS BEING RESOLVED ANYTIME SOON. PLEASE BEAR WITH ME AS I'M TRYING TO RESOLVE THIS.

THERE IS ALSO THE POSSIBILTY THAT I MAY NOT BE ABLE TO PAY AT ALL FOR THE SIMPLE FACT THAT ALL MY CROP FAILED. BY THE TIME RECONDITIONING FEES AND SHRINK ARE TAKEN OUT I MAY HAVE NOTHING LEFT.

I APPRECIATE YOUR UNDERSTANDING IN ALL THIS. SHOULD YOU HAVE ANY QUESTIONS, FEEL FREE TO CONTACT ME AT 559-352-8081.

WARMEST REGARDS,

A handwritten signature in black ink, appearing to be 'Gian Singh', written over a horizontal line.

GIAN SINGH

**Conditions of Approval and Project Notes
Variance Application No. 4127**

| Conditions of Approval | |
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| 1. | Development shall be in accordance with the site plan submitted to the Planning Commission. |
| Notes | |
| The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant. | |
| 1. | Setbacks for new construction must be based on the ultimate road right-of-way for McCall Avenue. |
| 2. | An encroachment permit is required for any work performed within the County Road right-of-way. |
| 3. | McCall Avenue currently has 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan. An additional 23 feet of road right-of-way along the parcel frontage must be dedicated to meet the ultimate road right-of-way for McCall Avenue. |
| 4. | Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying, in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application. |
| 5. | Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act. |
| 6. | It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. |
| 7. | Any new development of less than two acres or secondary dwelling may require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any new sewage disposal systems that are proposed, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information. |

| Notes | |
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| 8. | At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357. |
| 9. | As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor. |
| 10. | Should any underground storage tank(s) be found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. |
| 11. | All Conditions of Approval for any previous applications shall be implemented if not already in place. |
| 12. | Refer to Road Maintenance & Operations Division, Road Operations for comments on McCall Avenue. |
| 13. | According to FEMA FIRM Panel 2675H, the parcel is not subject to flooding from the 100-year storm. |
| 14. | The subject property is within the City of Selma SOI (Sphere of Influence). Any future off-site improvements and driveway placement relative to the property line adjacent to road should be consulted with the City regarding their requirements. |
| 15. | Any existing or future access driveway should be set back a minimum of 10 feet from the property line. |
| 16. | Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. |
| 17. | A 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing McCall Avenue if not already present. |
| 18. | Any future work done within the County Road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. |
| 19. | A grading permit/voucher is required for any future grading with this application. |
| 20. | If the variance is approved, a parcel map application will have to be filed with Fresno County to affect the property division. |